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May 31, 2017

VIA ECF

Honorable Edgardo Ramos
 United States District Judge
 Thurgood Marshall United States Courthouse
 40 Foley Square, Room 619
 New York, NY 10007

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The application is granted
 denied

Edgardo Ramos, U.S.D.J
 Dated: 6/2/2017
 New York, New York

Re: McCartney v. Sony/ATV Music Publishing LLC et al, No. 17-cv-00363

Dear Judge Ramos:

This firm is counsel to Sony/ATV Music Publishing LLC and Sony/ATV Tunes LLC (“SATV”). We write with Plaintiff’s consent pursuant to Rule 1.E of the Court’s Individual Practices to respectfully request an adjournment of SATV’s time to move to dismiss Plaintiff’s Complaint, as contemplated at the April 19, 2017 pre-motion conference.

This is the second request SATV has made to extend the time to respond to Plaintiff’s complaint. Specifically, the Court granted SATV’s first request to adjourn the date to file its pre-motion letter, which request was made owing to immediate conflicting professional commitments and on Plaintiff’s consent.

As originally scheduled at the pre-motion conference, SATV’s motion to dismiss was to be served and filed on June 2, 2017. However, following the pre-motion conference, the parties have made significant progress in resolving the dispute between them respecting the Plaintiff’s exercise of his termination rights under Section 304 of the United States Copyright Act. The parties are now in the process of working to document an agreement effecting the resolution of this matter.

In order to afford the parties time to complete the documentation of their agreement, subject to the Court’s approval, the parties have agreed to change the motion schedule to the following dates (for calendar purposes as the parties expect the resolution to be documented within the requested time frame):

Motion to be served and filed: July 6, 2017;

Opposition to SATV’s motion: August 9; and,

Reply: August 23.



Honorable Edgardo Ramos

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If the foregoing request and timing are acceptable to Your Honor, we would respectfully request that Your Honor “So Order” this letter. We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Donald S. Zakarin

Donald S. Zakarin

cc: All Counsel (via ECF)